

EXHIBIT 23

PETER G. SHIELDS, M.D.

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STATE OF NORTH CAROLINA IN THE GENERAL
NEW HANOVER COUNTY COURT OF JUSTICE

SUPERIOR COURT

DIVISION

FILE NO. 07CVS 4453

CATHY BATTON, Executrix *
of the Estate of Dewey *
Batton, Deceased *
 Plaintiff *
 vs. *
CSX TRANSPORTATION, INC. *
 Defendant *

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Deposition of PETER G. SHIELDS, M.D.,
taken on Friday, September 26, 2008, beginning
at 9:00 a.m., at Lombardi Comprehensive Cancer
Center, Georgetown University Medical Center,
3800 Reservoir Road. N.W., Washington, D.C.,
before Linda Ann Crockett, a Notary Public.

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Reported by:

Linda A. Crockett

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1 APPEARANCES:

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SCOTT R. FRIELING, ESQUIRE

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Allen Stewart, P.C.

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Republic Center

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325 North St. Paul Street

Suite 2750

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On behalf of the Plaintiff

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FRANK GORDON, ESQUIRE

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On behalf of the Defendant

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THE PROCEEDINGS

STIPULATIONS

It is stipulated and agreed by and between
counsel for the respective parties that the
reading and signing of this deposition by the
witness is hereby not waived.

PETER G. SHIELDS, M.D.,

first duly sworn to tell the truth, the whole
truth, and nothing but the truth, testified as
follows:

EXAMINATION BY MR. FRIELING:

Q. Good morning.

A. Good morning.

**Q. My name is Scott Frieling. We met off
the record. We have not met before; is that
true?**

A. That's correct.

Q. Have you been deposed before, Doctor?

A. Yes.

Q. How many times, roughly?

A. Somewhere between 10 and 20.

**Q. Just so you know, if you need a break
at any time, just let me know. If you don't**

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1 remember. I think it's the refractory anemia
2 with ringed sideroblasts, it either does or
3 doesn't. That's the category standing out in
4 my mind.

5 Q. Have you reached a conclusion, Doctor,
6 whether benzene can cause all forms of MDS in
7 humans?

8 A. I'm aware -- I do believe that
9 sufficient exposure to benzene can cause at
10 least some types of MDS, maybe all types of
11 MDS. I think it just has not been studied well
12 enough to know whether or not there are some
13 types that it doesn't. But there is certainly
14 some thought that it is the case.

15 Q. Does benzene cause any forms of
16 leukemia in humans?

17 A. Yes, benzene can cause AML, acute
18 myeloid leukemia as well as chronic myeloid
19 leukemia in humans.

20 Q. AML and CML?

21 A. That's right.

22 Q. Do you know what the position is of
23 IARC on whether benzene can cause MDS in
24 humans?

25 A. IARC usually doesn't take positions of